

**Florence, Elaine J CIV NAVSUP FLC Jacksonville, 220**

---

**From:** Juan Perez <jperez@mcm-gtmo.com>  
**Sent:** Monday, April 10, 2017 13:48  
**To:** Florence, Elaine J CIV NAVSUP FLC Jacksonville, 220; Nelson, Darryl Q CIV NAVSUP FLC Jacksonville, 220  
**Cc:** Stacey, Shawn L. CIV USN GTMO; Martin Bryant; Pedro R. Munilla; Daniel F. Munilla  
**Subject:** [Non-DoD Source] 4-10-2017-Seaward's Continuing Violation of TE-9  
**Attachments:** MCM-KO-TE9-APR10-2017.pdf

Dear Elaine,

Attached please find my letter regarding Seaward's continuing violation of TE-9. Please contact me as soon as possible. I request a conference call with you, the C.O.R., and the Port Services Commander to discuss this contract matter. Seaward's actions need to stop.

Sincerely,

JUAN PEREZ

Director of GTMO Operations

CubaSignature

786-277-1466 USA; 011-5399-90131 NS GTMO Cuba MCM Port Operations-Guantanamo Bay, Cuba

PSC 1005 Box 58 FPO-AE, 09593-000 [www.mcm-us.com](http://www.mcm-us.com) <<http://www.mcm-us.com/>>



10 April 2017

Via Email

Darryl Nelson, Contracting Officer ([darryl.nelson@navy.mil](mailto:darryl.nelson@navy.mil))  
Elaine J. Florence, Contract Specialist ([elaine.florence@navy.mil](mailto:elaine.florence@navy.mil))  
NAVSUP/FLC-Jacksonville  
Contracts Division Building 110, 3<sup>rd</sup> Floor NAS  
Jacksonville, FL 32212-0097

**Re: Continuing Violation of TE-9 by Seaward Services, Inc.  
Poaching of MCM Foreign Nationals by Seaward Services at NS Guantanamo  
Attempted Coordination Between Seaward and MCM On-Base Employees That  
are Under Contract.  
Solicitation No. N68836-16-R-0003  
Port Operations Services at the Naval Station at Guantanamo Bay, Cuba**

Dear Ms. Florence;

As a follow up to my correspondence sent to you on 23 March 2017, my correspondence sent to you on 19 March 2017, and my email to you dated 17 March 2017. I would like to inform you of the latest in Seaward's attempts at poaching our on-base personnel in blatant violation of TE-9 that states that:

*"Recruiting of labor and hiring Government or Contractor on-base employees by offering higher wages or other amenities is prohibited."*

(b) (6)

(b) (6) Seaward's actions need to stop as they are a violation of the contract, continue to damage MCM on this and other MCM NS Guantanamo Bay contracts, and they undermine all other ongoing contracts at NS Guantanamo. I had asked you what your office has done in relation to enforcing TE-9 and you stated that you could not answer as it was a matter being handled by your attorney. Given the continuing violation of TE-9 by Seaward, it is readily apparent that Seaward has ignored your enforcement attempts or, through what appears to MCM to be the Navy's inaction and acquiescence, the Navy is condoning Seaward's continual violation of TE-9.

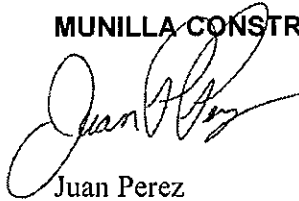
You had written to me in response to my previous notices of Seaward's employee poaching activities and have stated that the Government will enforce TE-9. I respectfully request:

- 1) Mr. Michael Kline of Seaward be removed immediately from Naval Station Guantanamo as he continues to violate TE-9 on behalf of Seaward.
- 2) An explanation of what measures, if any, the Government has done to enforce TE-9 with Seaward.
- 3) An assurance that Seaward will not be permitted to list any MCM employee currently working at Port Operations as part of their planned staff or Plan of Action and Milestones (POAM).
- 4) A teleconference between you, the Port Services Commander, and your Contracting Officer's Representative to discuss this matter, TE-9, and its enforcement.

This is an extremely urgent issue that needs to be discussed as soon as possible. I ask that you contact me to coordinate our call without delay.

Sincerely,

**MUNILLA CONSTRUCTION MANAGEMENT, LLC**



Juan Perez  
Director of GTMO Operations

cc: Pedro Munilla, Esq.  
Mr. Juan Munilla  
Daniel Munilla, Corporate Counsel  
Mr. Elliot Press  
Karl Dix, Jr. Esq